

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**PENNSYLVANIA NATIONAL  
MUTUAL INSURANCE COMPANY,**

**Plaintiff,**

**v.**

**HANNA STEEL CORPORATION, ET  
AL.,**

**Defendants.**

**CASE NUMBER 08-J-0635-S**

**AFFIDAVIT OF DANIEL J. KANE**

STATE OF CALIFORNIA )  
 ) ss.:  
COUNTY OF MARIN )

DANIEL J. KANE, being duly sworn, deposes and says:

1. I am over the age of 18 and competent to make this Affidavit in all respects.
2. I am a Claims Specialist employed by Fireman's Fund Insurance Company ("FFIC").
3. My responsibilities include supervising the litigation of the instant declaratory judgment action against FFIC and others. As such, I am fully familiar with Hanna Steel Corporation's ("Hanna Steel") claim for coverage for three underlying actions, styled *Ceola Allen, et al. v. Hanna Steel Corp., et al.*, Civ. No. 04-79; *Katie Lowery, et al. v. Hanna Steel Corp., et al.*, Civ. No. 05-1749, and *Larry Aaron, et al. v. Hanna Steel Corp., et al.*, Civ. No. 07-40 (collectively, the "Underlying Actions"), under an insurance policy issued to Hanna Steel by FFIC, which is at issue in this litigation.

4. This Affidavit is based on my review of the information, records and materials contained in the files maintained by FFIC in its ordinary course of business with respect to Hanna Steel's claim for coverage for the underlying actions, as well as my day-to-day handling and supervision of FFIC's involvement in this litigation. If called, I can and will competently testify as to the truth of the facts contained herein.

5. Annexed hereto as Exhibit "1" is a certified copy of the Commercial General Liability insurance policy to Hanna Steel Corporation ("Hanna Steel"), number KXC80371919 for the period December 1, 1998 to December 1, 1999 (the "FFIC Policy").

6. Annexed hereto as Exhibit "2" are true and correct copies of correspondence dated November 11, 2008 from FFIC to Hanna Steel concerning Hanna Steel's claim for coverage in the underlying actions.

7. I declare under penalty of perjury that the foregoing is true and correct.



Daniel J. Kane

Sworn to and subscribed before me  
this 11<sup>th</sup> day of November 2008

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Notary Public

## ACKNOWLEDGMENT

State of California  
County of Marin

On November 11, 2008 before me, Jody J. Martinez  
(insert name and title of the officer)

personally appeared Daniel J. Kane,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

